

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
AUG 05 2010  
CLERK

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ANITA BURRIS,

Plaintiff,

-vs-

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,

Defendant.

CIV. 08-4206

ORDER

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The Plaintiff instituted this action seeking a review of the Commissioner's final decision denying her a period of disability and payment of disability insurance benefits and supplemental security income under the Social Security Act. This Court referred the case to United States Magistrate Judge John E. Simko for the purpose of issuing a Report and Recommendation. The Magistrate Judge has recommended that the Commissioner's decision be affirmed and Plaintiff's Complaint be dismissed, with prejudice. The Court has carefully reviewed the Magistrate Judge's Report and Recommendation and the record of the administrative proceedings. After having reviewed the record, the Court agrees with the Magistrate Judge's Report and Recommendation that the Commissioner's decision be upheld. Accordingly, it is hereby

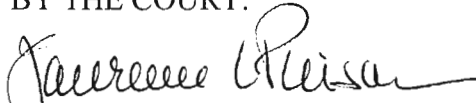
ORDERED that:

1. The Magistrate Judge's Report and Recommendation (Doc. 28) is adopted by the Court.
2. The Commissioner's denial of benefits is affirmed.

3. The Plaintiff's Complaint, Doc. 1, is dismissed.

Dated this 4<sup>th</sup> day of August, 2010.

BY THE COURT:



Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH HAAS, Clerk

By Sumner W. Hylton Deputy